IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.8865 of 1998

Dated: 09-03-2007

Between:

Gummadi Laxman Goud, s/o Narsaiah,
aged about 60 years,
r/o Jagtial,
Karimnagar District.

... Petitioner

and

1. The Prohibition & Excise Superintendent,
   Karimnagar District,
   Karimnagar and 2 others.

... Respondents

ORDER:

Questioning the Notice in Rc.No.309/94/P&Ex/B6, dated 06-01-1997 issued by first respondent, the present writ petition has been filed seeking to quash the same by declaring the impugned Notice as arbitrary and illegal.

2. Petitioner states that he was a licencee in F.L.17 and carried on business in the name and style of M/s. Bhagya Laxmi Bar and Restaurant at Sircilla town, Karimnagar District for some time. He

further states that he sold away the entire business premises including the licence. However, before transferring the said licence, though he gave an application to the authorities seeking permission, the competent authority has not passed any order. Thereafter, the transferee carried on business and it appears there was arrears for which the impugned show cause Notice was issued directing him to pay the differential amount. Assailing the said Notice,
he approached this Court and filed the present writ petition.

3. Heard learned counsel for the parties.

4. During the course of arguments, it is brought to my notice that as against the impugned Notice an appeal is provided under Section 63 of the Andhra Pradesh Excise Act, 1968 before the Deputy Commissioner and the petitioner without exhausting the said remedy of appeal approached this Court and filed the present writ petition. Having regard to the fact that there is an appeal provided under the statute, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to file an appeal before the concerned authority.

5. Accordingly, the writ petition is disposed of with a direction to the petitioner to file an appeal before the concerned authority within four weeks from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority may pass appropriate orders in accordance with law, after giving sufficient opportunity to the petitioner. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.09-03-2007
GLV